REMARKS

This Response is submitted in reply to the Final Office Action mailed on March 27, 2006. Claims 1-4, 7, 9-11, 13-17 and 19 are pending in the patent application. Claims 1, 10 and 13 have been amended. Claims 5-6, 12 and 18 have been cancelled without prejudice or disclaimer. New claims 20-22 have been added. No new matter has been added by this response.

Claims 1-4, 7, 9-11, 13-17 and 19 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,059,369 to Swanson ("*Swanson*"). Applicant respectfully disagrees with and traverses this rejection for the following reasons.

Claim 1, as amended, is directed to a device for catching fish which includes a handle that is non-rotatably connected to a body. The body is a tube including a first end and an opposing second end. The first end defines an opening that enables a fish to enter the tube and to be removed from the tube. The second end includes an end wall that is constructed to prevent the captured fish from exiting or being removed from the second end of the tube. Accordingly, the claimed invention includes a handle which is non-rotatably connected to a body where the body includes an open first end and a closed second end. Thus, when a fish enters the first end of the body of the claimed invention, it can only be removed from the first end. The end wall of the second end prevents the fish from exiting or being removed from the second end.

In contrast, *Swanson* is directed to a minnow dipper and holder which includes a circular open top 12 and a bottom 14. A cage 40 is attached to the bottom 14. A minnow enters the dipper through top 12 and is held in the dipper by cage 40. While being held in cage 40, the minnow is "easily hooked while restrained within the cage 40 when cage 40 is in a closed or clamping position." (Col. 3, lines 42-43). After being hooked, the minnow is released from the

cage by manipulating lever 60 so that cage 40 returns to its original holding position (position II). (Col. 4, lines 1-5; Fig. 3).

Swanson does not disclose or suggest a handle connected to a body for catching fish where the body includes a second end having an end wall that is constructed to prevent fish from exiting or being removed from the second end. Clearly, *Swanson* discloses that the minnows are hooked while in the cage 40 and then removed from that end. If the hooked fish were removed from the top 12, the fishing line would get entangled and possibly break. For these reasons, *Swanson's* minnow dipper teaches away from having a body that has an end wall that prevents the fish from being removed from that end.

For at least these reasons, amended claim 1 and claims 2-4, 7 and 9, which depend from amended claim 1, are each patentably distinguished over *Swanson* and in condition for allowance.

Amended claims 10 and 13 include similar elements to amended claim 1. Specifically, each of these claims includes a body having a second end including an end wall which prevents a fish from exiting or being removed from the second end. As described above, *Swanson* does not disclose or suggest such an element. Therefore, Applicant respectfully submit that amended claims 10 and 13 and claims 14-17 and 19, which depend from amended claim 13, are each patentably distinguished over *Swanson* and in condition for allowance.

New claim 20 is directed to a device for catching bait fish which includes similar elements to amended claims 1, 10 and 13 and in particular a second end having an end wall that prevents bait fish from exiting or being removed from the chamber by the user. Because *Swanson* does not disclose or suggest such an element, Applicant respectfully submits that new

claim 20 and new claims 21 and 22, which depend from new claim 20, are each patentably distinguished over *Swanson* and in condition for allowance.

In light of the above, Applicant respectfully submits that claims 1-4, 7, 9-11, 13-17, 19 and new claims 20-22 are patentable and non-obvious over the art of record because the cited art does not disclose, teach or suggest the subject matter of the claimed invention. Accordingly, Applicant respectfully requests that claims 1-4, 7, 9, 10-11, 13-17, 19 and new claims 20-22 be deemed allowable at this time and that a timely notice of allowance be issued in this case.

No fees are due. If any other fees are due in connection with this application, the Patent Office is authorized to deduct the fees from Deposit Account No. 19-1351. If such a withdrawal is made, please indicate the attorney docket number (39187-400100) on the account statement.

Respectfully submitted,

Seyfarth Shaw LLP
55 East Monroe Street,
Suite 4200
Chicago, Illinois 60603-5803
312-346-8000

By _____
Christopher S. Hermanson
Reg. No. 48,244
Attorney for Applicant